



## Legislative Bulletin.....November 15, 2005

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### **Summary of the Bills Under Consideration Today:**

**Total Number of New Government Programs: 1**

**Total Cost of Discretionary Authorizations: \$11.6 million over five years**

**Effect on Revenue: \$0**

**Total Change in Mandatory Spending: \$0**

**Total New State & Local Government Mandates: 1**

**Total New Private Sector Mandates: 0**

**Number of Bills Without Committee Reports: 7**

**Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 3**

## **H.R. 1564—Yakima-Tieton Irrigation District Conveyance Act (Hastings of Washington)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, November 15<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 1564 would direct the Secretary of the Interior to convey to the Yakima-Tieton Irrigation District (Yakima County, WA) all U.S. right, title, and interest in and to the buildings and lands of the Yakima Project, WA. This conveyance would remove the Project's eligibility for federal funds as a reclamation project and the U.S. Government's liability for anything related to the Project.

The legislation effectively states that Congress expects such conveyance to occur within one year of this bill's enactment.

**Additional Background:** The Irrigation District has complied with all the repayment requirements of the Project and currently only makes (small) operation and maintenance payments to the federal government.

**Committee Action:** On April 12, 2005, the bill was referred to the Resources Committee, which, on October 19<sup>th</sup>, marked it up and ordered it reported to the full House by unanimous consent. The Water and Power Subcommittee held a hearing on the bill on September 27<sup>th</sup>.

**Administration Position:** The Administration supports this conveyance, which it sees as the desirable result of a successful federal-local partnership in water reclamation:  
[http://resourcescommittee.house.gov/archives/109/testimony/2005/jackgarner\\_hr1564.htm](http://resourcescommittee.house.gov/archives/109/testimony/2005/jackgarner_hr1564.htm)

**Cost to Taxpayers:** CBO reports that, "H.R. 1564 would have no significant effect on the federal budget."

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** The Resources Committee, in House Report 109-288, cites constitutional authority in Article I, Section 8 (but no clause cited) and Article IV, Section 3 (clause 2 gives Congress the power to "dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States."). House Rule XIII, Section 3(d)(1), requires that all committee reports contain "a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution." *[emphasis added]*

**Outside Organizations:** The Yakima-Tieton Irrigation District supports this legislation:  
<http://resourcescommittee.house.gov/archives/109/testimony/2005/richarddieker.htm>

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## **H.R. 1972—Franklin National Battlefield Study Act (Blackburn)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, November 15<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 1972 would direct the Secretary of the Interior to conduct a special resource study of sites relating to the Battle of Franklin (in the Tennessee cities of Brentwood, Franklin, Triune, Thompson’s Station, and Spring Hill) to determine the suitability and feasibility of including the sites in the National Park System. The study would have to examine whether the sites could be included in an existing unit of the National Park System or other federally designated unit in Tennessee.

The findings of the study, funded at “such sums as are necessary,” would have to be reported to Congress within three years of funds being made available for it.

**Additional Background:** The Battle of Franklin was a Civil War battle in 1864 in which the Union was victorious and almost 8,600 Americans died, including six Confederate generals. For more information on the battle, visit this webpage:  
<http://www.cr.nps.gov/hps/abpp/battles/tn036.htm>

**Committee Action:** On April 28, 2005, the bill was referred to the Resources Committee, which, on October 19<sup>th</sup>, marked it up and ordered it reported to the full House by unanimous consent. The Parks Subcommittee held a hearing on the bill on September 29<sup>th</sup>.

**Cost to Taxpayers:** CBO reports that the study would cost about \$250,000 over the next three years.

**Does the Bill Expand the Size and Scope of the Federal Government?:** This legislation would itself not increase the size of the National Park System.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** The Resources Committee, in House Report 109-289, cites constitutional authority in Article I, Section 8 (but no clause cited) and Article IV, Section 3 (clause 2 gives Congress the power to “dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.”). House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

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## **H.R. 3507 — Pechanga Band of Luiseno Mission Indians Land Transfer Act of 2005 — *as introduced* (Issa)**

**Order of Business:** The bill is scheduled for consideration on Tuesday, November 15, 2005, under a motion to suspend the rules and pass the bill.

An almost identical bill, H.R. 4908, received consideration and was reported by unanimous consent from the Resources Committee, but was not acted upon by the full House. The following committee report was produced for H.R. 4908: H. Rept. [108-777](#).

**Summary:** H.R. 3507 would transfer approximately 990 acres in Riverside and San Diego counties, California (currently administered by the Bureau of Land Management) to the United States “to be held in trust for the Pechanga Band of Luiseno Mission Indians.” The bill specifies that nothing in the Act would impair or otherwise affect any right of the Pechanga Band of Luiseno Mission Indians that existed before the land transfer. The bill would also restrict the use of the transferred land to only be used for “the protection, preservation, and maintenance of archaeological, cultural, and wildlife resources thereon.”

**Additional Information:** Under Article I, Section 8, Clause 3 of the Constitution, the federal government has plenary authority to regulate commerce and trade with Indian tribes. Due to various treaties and executive orders over the last 229 years between the United States and Indian tribes, significant portions of land owned by Indian tribes have been held in trust by the federal government for the benefit of the tribes. According to CRS, Supreme Court decisions as early as 1831 have determined that Indian tribal lands are jurisdictionally not subject to state law, but afforded the protection of federal law. In keeping Indian land in trust, the federal government in effect shields this land from claims, taxes, regulations, and other actions levied against it by states. Thus, holding Indian tribal land in trust by the federal government has become common practice and generally affords the highest form of protection against such actions, while still allowing the Indian tribe to exercise their rights over the land.

As H.R. 3507 states in the text of the bill, nothing in this Act “shall enlarge, impair, or otherwise affect any right or claim of the Pechanga Band of Luiseno Mission Indians to any land or interest in land that is in existence” before the Act.

**Committee Action:** H.R. 3507 was introduced on July 28, 2005, and referred to the Committee on Resources, which took no official action.

**Cost to Taxpayers:** A CBO score of H.R. 3507 is unavailable, but the committee report for H.R. 4908 (the almost identical bill from the 108<sup>th</sup> Congress) included the following CBO statement: “CBO estimates that enacting H.R. 4908 would have no significant impact on the federal budget. The bill could affect direct spending (including offsetting receipts), but we estimate that any such effects would be negligible. Enacting H.R. 4908 would not affect revenues.”

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

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**H.R. 3721 – To amend the Omnibus Parks and Public Lands Management Act of 1996 to allow certain commercial vehicles to continue to use Route 209 within Delaware Water Gap National Recreation Area – *as introduced* (Sherwood)**

**Order of Business:** The bill is expected to be considered on Tuesday, November 15<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 3721 amends the Omnibus Parks and Public Lands Management Act (P.L. 104-333) to postpone the date (from September 30, 2005 to September 30, 2015) when Route 209 within the Delaware Water Gap National Recreation Area may no longer be used for commercial vehicles. The bill continues current law, whereby commercial vehicles who serve local businesses in the vicinity of the area will continue to have access to the road after the cut-off date, subject to a fee (at the discretion of the National Park Service). However, H.R. 3721 raises that allowable, commercial use fee from \$25 to \$40. In addition, the bill adds language to ensure that any proposal by the National Park Service to maintain or reconstruct River Road within the area provide for that road to be open to two-way traffic.

**Additional Background:** Recently, the National Park Service announced that it would begin restricting certain commercial traffic on Route 209 on November 1<sup>st</sup>, pursuant to Public Law 104-333. The National Park Service made the following statement with regard to H.R. 3721:

The park recognizes the difficulty that rerouting commercial traffic off Route 209 may cause communities in the area of Milford and those along State Route 2001. Over the past year, the national recreation area held public workshops to address the long term management of commercial vehicles on Route 209. It was evident from the input we received that the best choice was the reauthorization of the law that would permit the continued, but limited, use of Route 209 by commercial vehicles for an additional ten years.  
<http://www.nps.gov/dewa/pphtml/newsdetail20511.html>

**Committee Action:** H.R. 3721 was introduced on September 8, 2005, and referred to the House Resources Committee, which took no official action.

**Cost to Taxpayer:** Although CBO cost estimate is not yet available, H.R. 3721 authorizes no expenditure.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

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**H.R. 3981 — To authorize the Secretary of Agriculture to carry out certain land exchanges involving small parcels of National Forest System land in the Tahoe National Forest in the State of California, and for other purposes — as introduced (Doolittle)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, November 15, 2005, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 3981 authorizes the Secretary of Agriculture to acquire land from Irving N. Christensen through an exchange of all right, title, and interest of the United States in and to a parcel National Forest System land in Tahoe National Forest, California. According to the sponsor's office, Mr. Christensen proposes to acquire 30 acres from the federal government in exchange for giving the government 17 acres of riverfront property to expand the Indian Valley campground. The bill also authorizes the Secretary of Agriculture to acquire land from Dennis W. McCreary and Cindy M. McCreary through an exchange of all right, title, and interest of the United States in and to a parcel National Forest System land in Tahoe National Forest, California. This land exchange is deemed to involve a mineral survey fraction. According to the sponsor's office and congressional testimony, the federal government will acquire an approximately one acre parcel, which it needs for a trailhead, and the McCreary's will acquire an approximately one acre parcel of National Forest System land that is adjacent to his home and not useable to the forest.

**Additional Information:** According to congressional testimony, this authorization is necessary because these parcels of land cannot be processed by the U.S. Forrest Service under the General Exchange Act, due to their small size and the complexity of the land exchange process.

**Committee Action:** On October 6, 2005, the bill was introduced and referred to the House Resources Committee, which took no official action.

**Cost to Taxpayers:** A CBO cost estimate for H.R. 3981 is unavailable, although a CBO cost estimate of a similar bill that included the text of H.R. 3981 found the provisions would not

significantly affect the federal budget. The bill could affect direct spending, but CBO estimated that any such effects would be negligible.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** A committee report, citing authority is unavailable, though a committee report on a similar bill 109-169 found authority under Article I, section 8 of the Constitution (powers of Congress) but failed to cite a specific clause.

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### **S.161 — Northern Arizona Land Exchange and Verde River Basin Partnership Act of 200 (Sen. McCain)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, November 15, 2005, under a motion to suspend the rules and pass the bill.

**Summary:** S. 161 authorizes the U.S. Forest Service to exchange approximately 20,000 acres of federal lands in Arizona for approximately 35,000 acres (55 square miles) of privately owned land in that state, to be added to the Prescott National Forest. The bill authorizes certain land transfers only if the new landowner, the Yavapai Ranch Limited Partnership (YRLP), is able to negotiate the subsequent sale of those properties to certain local cities and camps. If those parties cannot reach an agreement, the Forest Service would withhold the specified parcels and sell them for fair market value and use the funds to purchase, and add to federal land holdings, additional lands in Arizona. Under the bill, the federal land and non-federal land to be exchanged shall be of equal value, or equalized by adjusting the acreage of the federal land to be exchanged. The exchange shall still be subject to any easements, rights-of-way, utility lines, including easements for water pipelines, etc. that were in existence on the date of the bill's enactment. Grazing on non-federal land that will be exchanged, may continue in accordance with federal grazing guidelines. Timber harvesting is prohibited on the newly acquired federal lands, unless it is determined by the Secretary that timber harvesting would prevent or control fires, insects, and disease, would protect or enhance grassland habitat, native plants and wildlife species, or to improve forest health.

The bill also authorizes such sums for a new Verde River Basin Partnership from FY06-FY09. The Partnership is to prepare a plan to conduct water studies, and 16 months after enactment the Partnership is to issue a preliminary report on the long-term available water supply within the Verde Valley. Within four years of enactment, a final report is to be submitted to the Secretary and the Arizona Governor regarding groundwater deficits or potential water supply problems, and long-term water management options, etc.

**Additional Information:** According to the Senate committee report, the land exchange authorized in the bill would consolidate the checkerboard of land ownership in the area so that both the Forest Service and YRLP would have more manageable lands in the future. The committee reports the lands to be acquired by the Forest Service “include significant stands of old growth ponderosa pine and alligator juniper trees, important undeveloped habitat for pronghorn antelope and other wildlife and a portion of the upper watershed of the Verde River.” The exchange will reduce the subdividable and developable land base in the upper Verde River watershed by roughly 20,000 acres and thereby will protect water resources and flows, according to the committee.

**Committee Action:** On July 26, 2005, the bill passed the Senate by unanimous consent and was held at the desk in the House.

**Cost to Taxpayers:** CBO estimates that implementing S. 161 would cost about \$9 million over the 2006-2010 period, subject to appropriations. If the negotiations are not successful, the government can sell some of the parcels at fair market value which, according to CBO, would affect direct spending, but any net effect is estimated to be less than \$500,000 in any year. CBO estimates that the studies and efforts required under the new Verde River Basin Partnership will total \$8 million of the bill’s \$9 million estimated cost.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** Senate rules do not require committee reports to include constitutional authority, and because the bill was held at the desk and not referred to a House Committee, no committee report is available citing authority.

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**H.R. 318 — To authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located in St. Croix, Virgin Islands, as a unit of the National Park System, and for other purposes — *as introduced (Del. Christensen)***

**Order of Business:** The bill is scheduled for consideration on Tuesday, November 15, 2005, under a motion to suspend the rules and pass the bill.

An almost identical bill, H.R. 2663, passed the House during the 108<sup>th</sup> Congress by a voice vote on September 21, 2004.

**Summary:** H.R. 318 directs the Secretary of the Interior to conduct a study regarding the suitability and feasibility of designating Castle Nugent Farms (located in St. Croix, Virgin

Islands) as a unit of the National Park Service. The bill notes that Castle Nugent Farms is the largest parcel of privately-held land in the Virgin Islands and has historic landmarks on the property. This bill would not designate the land as part of the Park Service, but would commission a study on its feasibility.

**Committee Action:** H.R. 318 was introduced on January 25, 2005, and referred to the Committee on Resources' Subcommittee on National Parks, Recreation and Public Lands, which took no official action on the bill.

**Cost to Taxpayers:** A CBO score of H.R. 318 is unavailable, but the committee report for H.R. 2663 (the almost identical bill from the 108<sup>th</sup> Congress) included the following CBO statement: "Assuming the availability of appropriated funds, CBO estimates that implementing H.R. 2663 would cost the federal government about \$300,000 over the next three years to complete the required study and report. Enacting the legislation would not affect direct spending or revenues."

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

House Rule XIII, Section 3(d)(1), requires that all committee reports contain "a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution." [*emphasis added*]

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## **H.R. 323 — To redesignate the Ellis Island Library on the third floor of the Ellis Island Immigration Museum, located on Ellis Island in New York Harbor, as the "Bob Hope Memorial Library" — *as reported (Engel)***

**Order of Business:** The bill is scheduled for consideration on Tuesday, November 15, 2005, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 323 would rename the Ellis Island Library within the Ellis Island Immigration Museum as the Bob Hope Memorial Library.

**Additional Information:** Bob Hope was born in London, England in 1903 as Leslie Townes Hope, and arrived in America through Ellis Island in 1907. In a highly successful 40-plus year career that spanned stage, radio, movies and television, Hope was also well known and loved for his decision in 1942 to help entertain America's troops fighting overseas under the auspices of the United Services Organization (USO). Hope continued that partnership with

the USO for over five decades, with his final tour in 1990 to entertain troops in Saudi Arabia and Bahrain. Hope received the Presidential Medal of Freedom in 1969 from President Johnson for his service to the armed forces through the USO. In 1997, Congress designated Bob Hope as the first honorary veteran of the U.S. armed forces.

Regarding his entry into America through Ellis Island as a youth, Hope later said, “Our family left England shortly after I was born and sailed to America. What a glorious sight as all the little Hopes clambered up on deck as the ship steamed into New York Harbor.”

**Committee Action:** H.R. 323 was introduced on January 25, 2005, and referred to the Committee on Resources’ Subcommittee on National Parks, Recreation and Public Lands. The bill was considered and a mark-up session was held on October 19, 2005, and it was reported to the House by unanimous consent (H. Rept. [109-284](#)).

**Cost to Taxpayers:** A CBO score of H.R. 323 is unavailable, but the only costs associated with a post office renaming are those for sign and map changes, none of which significantly affect the federal budget.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** Although no committee report citing constitutional authority is available, Article I, Section 8, Clause 7 of the Constitution grants Congress the authority to establish Post Offices and post roads.

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**H.R. 326 — To amend the Yuma Crossing National Heritage Area Act of 2000 to adjust the boundary of the Yuma Crossing National Heritage Area and to extend the authority of the Secretary of the Interior to provide assistance under that Act — *as introduced (Grijalva)***

**Order of Business:** The bill is scheduled for consideration on Tuesday, November 15, 2005, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 326 would modify the boundary of the Yuma Crossing National Heritage Area in New Mexico to exclude certain private lands to be “comprised generally of the riverfront and downtown areas.” It would also extend the sunset from 2015 to 2020 for Section 7 of the Yuma Crossing National Heritage Area Act of 2000. The bill significantly expands the current **description** of this National Heritage Area boundary (by citing particular streets, exact distances and specific landmarks) as currently defined in law. It is not clear

whether this more specific definition substantively alters or expands the current land area covered by this National Heritage Area.

**Committee Action:** H.R. 326 was introduced on January 25, 2005, and referred to the Committee on Resources' Subcommittee on National Parks. The bill was considered and a mark-up session was held on October 19, 2005, and it was reported to the House by unanimous consent.

**Cost to Taxpayers:** CBO estimates that “implementing this bill would have no impact on the federal budget because the federal government is not expected to ever acquire or manage the affected properties.”

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

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## **H.R. 1790 — Child Medication Safety Act of 2005 — *as introduced* (Kline)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, November 15<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** Under H.R. 1790, as a condition of receiving funds under any program or activity administered by the Secretary of Education, each State is required to develop and implement policies and procedures prohibiting school personnel from requiring a child to obtain a prescription for a controlled substance or a psychotropic drug as a condition of attending school or receiving services.

H.R. 1790 provides that nothing in the bill is to be construed to create a Federal prohibition against teachers and other school personnel consulting or sharing classroom-based observations with parents or guardians regarding a student's academic performance or behavior in the classroom or school, or regarding the need for evaluation for special education or related services under the Individuals with Disabilities Education Act.

**Additional Information:** According to the sponsor, as more and more children are being prescribed mood-altering drugs, such as Ritalin, there is a concern and some anecdotal

evidence that some schools may require a child to be on a drug in order to attend school. The sponsor contends parents and doctors should make these decisions, and that the schools should not force it upon children.

**Committee Action:** On April 21, 2005, the bill was introduced and referred to the House Committee on Education and the Workforce, which took no official action.

**Cost to Taxpayers:** A CBO cost estimate for H.R. 1790 is unavailable.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** Yes. The bill conditions the receipt of federal funds upon a state having certain policies regarding forcible medication, which may be considered a state mandate.

**Outside Organizations:** Eagle Forum and EdWatch have indicated their support for the bill and Eagle Forum plans to score the vote on its voter guide.

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## **H.R. 856 — Federal Youth Coordination Act— *as amended* (Osborne)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, November 15<sup>th</sup>, under a motion to suspend the rules and pass the bill, as amended.

**Note:** Under the House Republican Conference Rules, no new programs may be considered on the suspension calendar. This rule may be waived by a vote of the elected leadership. This legislation, which creates a new commission, received a waiver from the elected leadership.

**Summary:** H.R. 856 authorizes \$1 million each year for FY07 and FY08 and establishes a **new**, two-year Federal Youth Development Council, which is to consist of the Attorney General, several department secretaries, the Directors of National Drug Control Policy, Office of Management and Budget, and several other listed government officials. The council is to review all federal youth programs, specifically those serving disadvantaged youth, identify areas where the programs overlap, set objectives for the programs, make recommendations regarding the integration and efficiency of these programs. The council members are to serve for the life of the Council and additional temporary members may be appointed by the President. The Secretary of Health and Human Services is to be the Chairperson.

The bill provides that, subject to the availability of appropriations, the Council may provide technical assistance to a state at the request of a state to support state-funded councils for coordinating state youth efforts. Priority for grants is to be given to States that have already initiated an interagency coordination effort focused on youth, plan to work with at least one locality to support a local youth council for coordinating local youth efforts, demonstrate the

inclusion of nonprofit organizations, and demonstrate the inclusion of young people, especially those in disadvantaged situations, in the work of the State council.

The council is to report annually to Congress and the President a compilation of recent research and statistical reporting by various Federal agencies on the overall well-being of youth, recommendations on how to better integrate and coordinate policies across agencies at the Federal, State, and local levels. Finally, the council is terminated 60 days after submitting its fifth and final report.

**Conservative Concerns:** On December 23, 2002, the President established the White House Task Force for Disadvantaged Youth, which was tasked with identifying and reviewing the 339 federal youth programs. The task force issued its final report in October 2003, which included extensive recommendations regarding the coordination, consolidation, and effective integration of the 339 federal youth programs. H.R. 856 establishes a new commission to review these same federal youth programs, which have just been reviewed by a Presidential Task Force. **Instead of using existing administrative funds from the 339 programs, H.R. 856 adds another layer of bureaucracy and funding on top of the existing bureaucracy, under the auspices of studying them. Conservatives may be concerned that this commission is duplicative of the White House efforts at a cost to taxpayers of \$2 million.**

To view the White House Task Force's Reports, please visit, <http://www.ncfy.com/whreport.htm>.

To view the White House Task Force's X recommendations, please visit, <http://www.ncfy.com/disadvantaged/FinalReport.pdf>. One of these recommendations includes, "Reduce/eliminate overlap and duplication of services.

**Committee Action:** On February 15, 2005, the bill was introduced and referred to the House Committee on Education and the Workforce, which took no official action.

**Cost to Taxpayers:** There is no CBO cost estimate available for H.R. 856. However the bill authorizes \$2 million over two years and creates a new commission.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes. The bill establishes a new commission.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

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**H.Con.Res. 288 — Recognizing the 30th anniversary of the enactment of the Education for All Handicapped Children Act of 1975 and reaffirming support for the Individuals with Disabilities Education Act so that all children with disabilities have access to a free appropriate public education in the least restrictive environment — *as introduced* (Castle)**

**Order of Business:** The resolution is scheduled to be considered on Tuesday, November 15<sup>th</sup>, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Con.Res. 288 resolves that Congress:

- “recognizes the 30th anniversary of the enactment of the Education for All Handicapped Children Act of 1975;
- “acknowledges the many and varied contributions of children with disabilities and their parents, teachers, related services providers, and other educators; and
- “reaffirms its support for the Individuals with Disabilities Education Act [IDEA] so that all children with disabilities have access to a free appropriate public education.”

According to the resolution, the Education for All Handicapped Children Act was signed into law 30 years ago and “established the Federal priority of ensuring that all children, regardless of the nature or severity of their disability, have available to them a free appropriate public education in the least restrictive environment.” In 1986, the Act was amended to create a preschool grant program for children with disabilities aged three through five and an early intervention program for infants and toddlers with disabilities under three years of age and their families. Currently, an estimated 269,000 infants and toddlers, 679,000 preschoolers, and 6,000,000 children aged six to 21 are serviced through IDEA, and an increased number of students are both completing high school and enrolling in college.

The resolution also states, “although the Federal Government has not yet met its commitment to fund IDEA at 40 percent of the average per pupil expenditure, it has increased IDEA funding over the last decade from \$2.3 billion to \$10.6 billion and increased its percentage share of the average per pupil expenditure from 7.8 percent to 18.6 percent.”

**Committee Action:** On November 2, 2005, the resolution was introduced and referred to the House Committee on Education and the Workforce, which took no official action.

**Cost to Taxpayers:** The resolution authorizes no expenditures.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

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